



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

JUN - 9 2006

CERTIFIED LETTER
RETURN RECEIPT REQUESTED

Honorable Jake Hamon, Mayor
Town of Hudson
P.O. Box 56
Hudson, Wyoming 82515-0056

Re: Administrative Order
Docket No. SDWA-08-2006-0038
PWS ID #WY5600183

Dear Mayor Hamon:

Enclosed you will find an Administrative Order (Order) which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Order finds that the Town of Hudson is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.70(a), 141.71, 141.72, 141.73, 141.500, 141.132(b), and 141.31(b) for failure to install filtration and disinfection, meet the filtration avoidance criteria, or discontinue use of its current source after the source was determined to be ground water under the direct influence of surface water; failure to monitor for disinfection byproducts in 2004 (2005 monitoring was conducted); and failure to notify EPA of the failure to monitor disinfection byproducts violation. Please note that the Administrative Order, docket number SDWA-08-2004-0052, issued September 21, 2004 to the Town is still in effect.

If the Town complies with the enclosed Order for a period of at least twelve months after the system modifications required in the Order are completed, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Please note that the effective date of the enclosed amended Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Kathelene Brainich at the address on the letterhead, including the mailcode 8ENF-W, or you may call Ms. Brainich at (800) 227-8917, extension 6481, or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are

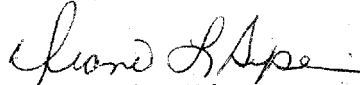


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represented by an attorney or have legal questions, please feel free to ask your attorney to call Marc Weiner at the above 800 number, extension 6913, or at (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Wyoming DEQ (via email)
Wyoming DOH (via email)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN - 9 2006

Fremont County Commissioners
c/o Doug Thompson
450 N. Second
Lander, WY 82520

Re: Notice of Safe Drinking Water Act
Enforcement Action against the
Town of Hudson, PWS ID # 5600060

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to the Town of Hudson, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The system is in violation of 40 C.F.R. §§ at 40 C.F.R. §§ 141.70(a), 141.71, 141.72, 141.73, 141.500, 141.132(b), and 141.31(b) for failure to install filtration and disinfection, meet the filtration avoidance criteria, or discontinue use of its current source after the source was determined to be ground water under the direct influence of surface water; failure to monitor for disinfection byproducts in 2004 (2005 monitoring was conducted); and failure to notify EPA of the failure to monitor disinfection byproducts violation.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,

A handwritten signature in cursive script, reading "Diane L. Sipe", is written above the typed name.

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2006 JUN -9 AM 8:12

IN THE MATTER OF)

Town of Hudson)
Hudson, Wyoming)

Respondent)

Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))

ADMINISTRATIVE ORDER

Docket No. **SDWA-08-2006-0038**

FILED
EPA REGION VIII
HEARING CLERK

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The Town of Hudson (Respondent) is a municipality and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Town of Hudson Water System (the "System"), located in Fremont County, Wyoming for the provision to the public of piped water for human consumption.
3. The System regularly serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42

U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to a May 9, 2003 sanitary survey by an agent for EPA, the System is supplied by eleven wells treated with disinfection and serves approximately 450 persons per year through 210 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. §§ 141.70(a), 141.71, 141.72, 141.73 and 141.500 require public water systems using a surface water or ground water under the direct influence of surface water (GWUDISW) source to provide filtration to achieve at least 99% (2-log) removal of *Cryptosporidium*, filtration/disinfection treatment to reliably achieve at least 99.9 percent (3-log) removal and/or inactivation of *Giardia lamblia* cysts, and 99.99 percent (4-log) removal and/or inactivation of viruses, or to meet the filtration avoidance criteria within 18 months of notification by the primacy agency.
2. Respondent was notified by a letter from EPA dated July 27, 2004 that its source was determined to be GWUDISW and that by January 31, 2006 it had to install filtration and disinfection, demonstrate compliance with the filtration avoidance

criteria, or discontinue use of the wells and permanently connect to an EPA-approved alternate water source.

3. Respondent failed to install filtration and disinfection, meet the filtration avoidance criteria, or discontinue use of the wells from February 1, 2006 to date, in violation of 40 C.F.R. §§ 141.70(a), 141.71, 141.72, 141.73 and 141.500.

II.

1. 40 C.F.R. § 141.132(b) requires the owner and/or operator of a public water system served by a surface water or ground water under the direct influence of surface water source providing water to less than 500 persons and those served by a ground water source using chemical disinfectant and serving fewer than 10,000 persons to collect one water sample per year per treatment plant to determine compliance with the maximum contaminant level (MCL) for disinfection byproducts, as stated in 40 C.F.R. § 141.64.
2. Respondent monitored the water for disinfection byproducts during 2005 but failed to monitor during 2004, in violation of 40 C.F.R. § 141.132(b).

III.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Section II above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS

ORDERED:

1. Within 90 days of the effective date of this Order, Respondent shall submit to EPA detailed plans for bringing Respondent's public water system into compliance with the Surface Water Treatment Rule (SWTR) at 40 C.F.R. §§ 141.70, 141.72, 141.73, 141.500, and 141.503, or for discontinuing use of the wells and a permanent connection to an EPA-approved alternate water source. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project. The proposed schedule shall include specific milestone dates, a final compliance date with the regulations listed in the previous paragraph above (that shall be within 24 months from the date of EPA's approval of the plans) and shall be submitted to EPA for approval. The plans must be approved by EPA and the State before construction can commence.
2. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
3. Within 180 days of the date of this Order, Respondent shall submit to EPA quarterly reports on the progress made toward bringing Respondent's system into compliance with the SWTR at 40 C.F.R. §§ 141.70, 141.72 and 141.73. Each



quarterly report is due by the 10th day of the month following the end of each calendar quarter.

4. No later than September 1, 2008, Respondent must permanently be using an EPA-approved alternate source of water or shall achieve and maintain permanent compliance with the SWTR requirements of 40 C.F.R. §§ 141.70, 141.72, 141.73, and 141.500.
5. Until Respondent has completed actions to comply with paragraph 4 above, upon the effective date of this Order Respondent shall comply with the following interim measures:
 - a. provide continuous chlorination disinfection of the water and measure the free chlorine residual continuously, or by one grab sample daily, at a point after the clearwell collection box and before or at the point of entry to the distribution system. Respondent shall maintain a minimum of 0.2 mg/l but no greater than 4.0 mg/l free chlorine at the point of entry. If the free chlorine residual drops below 0.2 mg/L, EPA must be notified within 24 hours or by the close of the next business day. Also, any time the residual drops below 0.2 mg/L in a grab sample, the system must take a sample every 4 hours until the residual concentration is equal to or greater than 0.2 mg/L. Respondent shall report the minimum daily chlorine residual monitoring results to EPA within 10 days after the end of each month.



- b. Respondent shall perform turbidity monitoring on representative grab samples of source water after the clearwell collection box and before or at the point of entry to the distribution system daily. Continuous turbidity monitoring may be substituted for grab sample monitoring. Respondent shall report the daily turbidity monitoring results to EPA within 10 days after the end of each month.
 - c. Respondent must collect a bacteriological sample before or at the first customer served each day that the source water turbidity exceeds 1.5 NTU. If the sample is total coliform positive, a confirmation sample must be collected within 24 hours. If the source water turbidity exceeds 5 NTU, if the minimum free chlorine residual drops below 0.2 mg/L for more than 4 hours, or a positive bacteriological sample is confirmed by the second sample, a boil water order must be issued within 12 hours. Respondent shall provide a copy of the boil order to EPA within 5 days.
6. Between June and August 2006, and per the regulation thereafter, Respondent shall comply with monitoring requirements for disinfection byproducts, as stated in 40 C.F.R. § 141.132(b). Respondent shall collect one sample per year per treatment plant at a location that represents maximum residence time to be analyzed for total trihalomethane (TTHM) and haloacetic acids (HAA5) to determine compliance with the disinfection byproduct MCL as stated in 40 C.F.R. § 141.64(a). Respondent shall report analytical results to EPA within the first 10



days following the month in which sample results are received, as required by 40

C.F.R. §§ 141.134(a) and (b).

7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
8. Reporting requirements specified in this Order shall be provided by certified mail to:

U. S. EPA Region 8 (8P-W-DW)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

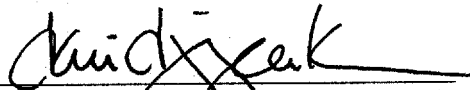
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. § 300g-3(g)(3)(A) and (C).
3. Violation of any requirement of the SDWA or its implementing regulations, may subject Respondent to a civil penalty of not more than \$32,500 per day of



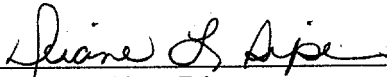
violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 9th day of June, 2006.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

